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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Hobbes C Lavey,

10 Plaintiff,

11 v.

12 Julie Ann Mata, et al.,

13 Defendants.  
14

No. CV-25-00950-PHX-MTM

**ORDER**

15 This matter was assigned to Magistrate Judge Michael T. Morrissey. (Doc. 12). On  
16 August 22, 2025, the Magistrate Judge filed a Report and Recommendation with this  
17 Court.<sup>1</sup> (Doc. 12). The Magistrate Judge has recommended that Plaintiff's Amended  
18 Complaint be dismissed without prejudice. To date, no objections have been filed.

19 **STANDARD OF REVIEW**

20 <sup>1</sup> This case is assigned to a Magistrate Judge. However, not all parties have consented  
21 to the jurisdiction of the Magistrate Judge. Thus, the matter is before this Court pursuant  
22 to General Order 21-25, which states in relevant part:

23 When a United States Magistrate Judge to whom a civil action has been  
24 assigned pursuant to Local Rule 3.7(a)(1) considers dismissal to be  
25 appropriate but lacks the jurisdiction to do so under 28 U.S.C. § 636(c)(1)  
26 due to incomplete status of election by the parties to consent or not consent  
27 to the full authority of the Magistrate Judge,

28 **IT IS ORDERED** that the Magistrate Judge will prepare a Report and  
Recommendation for the Chief United States District Judge or designee.

**IT IS FURTHER ORDERED** designating the following District Court  
Judges to review and, if deemed suitable, to sign the order of dismissal on  
my behalf:

Phoenix/Prescott: Senior United States District Judge Stephen M. McNamee

1 The Court “may accept, reject, or modify, in whole or in part, the findings or  
2 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1)(C); see Baxter v.  
3 Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991). Parties have fourteen days from the service  
4 of a copy of the Magistrate’s recommendation within which to file specific written  
5 objections to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to object to a  
6 Magistrate Judge’s recommendation relieves the Court of conducting *de novo* review of  
7 the Magistrate Judge’s factual findings and waives all objections to those findings on  
8 appeal. See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). A failure to object to a  
9 Magistrate Judge’s conclusion “is a factor to be weighed in considering the propriety of  
10 finding waiver of an issue on appeal.” Id.

### 11 DISCUSSION

12 Having reviewed the Report and Recommendation of the Magistrate Judge, and no  
13 Objections having been made by any party thereto, the Court hereby incorporates and  
14 adopts the Magistrate Judge’s Report and Recommendation.

### 15 CONCLUSION

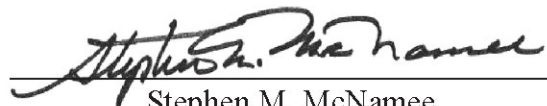
16 Accordingly, for the reasons set forth,

17 **IT IS ORDERED adopting** the Report and Recommendation of the Magistrate  
18 Judge. (Doc. 12).

19 **IT IS FURTHER ORDERED dismissing without leave to amend** Plaintiff’s  
20 Amended Complaint. (Doc. 10).

21 **IT IS FURTHER ORDERED directing** the Clerk of Court to terminate this case.

22 Dated this 15th day of September, 2025.

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24   
25 Stephen M. McNamee  
26 Senior United States District Judge  
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